

M. GALE LEMMON #4363  
Assistant Attorney General  
MARK L. SHURTLEFF #4666  
Attorney General  
Attorneys for Utah Insurance Department  
160 East 300 South, Fifth Floor  
P.O. Box 140874  
Salt Lake City, UT 84114-0874  
Telephone (801) 366-0375

## BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF UTAH

**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENT:**

MICHELLE EILEEN LOSEE  
988 McCourtney Rd.  
Grass Valley, CA 95673  
License No. 228054

**MOTION AND  
ORDER TO SHOW CAUSE**

**REVOCATION OF LICENSE**

**Docket No.** 2011-057-LC

**Enf. Case No.** 2847

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### MOTION FOR ORDER TO SHOW CAUSE

Comes now, M. Gale Lemmon, attorney for Complainant, and hereby moves the commissioner for an Order to Show Cause why Respondent's Utah insurance agent's license should not be revoked for failure to obey an Order of the commissioner in the above-entitled matter. In support of its motion, Complainant shows as follows:

1. Complainant instituted an informal administrative proceeding against Respondent on April 19, 2011, and on April 26, 2011, mailed the Notice Of Informal Adjudicative Proceeding and Order to Respondent at the following address:

Michelle Eileen Losee  
988 McCourtney Road  
Grass Valley, CA 95673

a copy of which is attached hereto as Exhibit A.

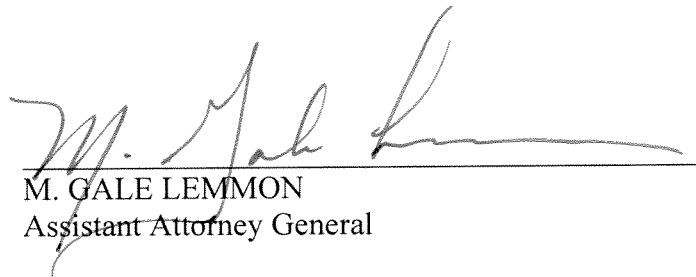
2. Respondent did not request a hearing and the Order became final on June 13, 2011, and is not subject to agency review or appeal.

3. Respondent failed to obey the Order of the commissioner in failing to pay an administrative forfeiture in the amount of \$500.00 and failed to respond to an inquiry of the commissioner.

4. Pursuant to Utah Code Annotated § 31A-2-308, if a licensee fails to obey an order of the commissioner, he may assess forfeitures of up to \$2,500.00 per violation or may suspend or revoke Respondent's license.

5. Because Respondent failed to obey the Order previously made in this matter, the commissioner should now revoke Respondent's license and order Respondent to pay an additional administrative forfeiture in an amount to be designated by the commissioner for violation of that Order.

DATED this 22<sup>nd</sup> day of December, 2011.

  
M. GALE LEMMON  
Assistant Attorney General

### ORDER TO SHOW CAUSE

Having considered the motion of the Complainant, and good cause otherwise appearing:


#### **IT IS HEREBY ORDERED:**

1. Respondent shall appear before the commissioner or his designated representative on Tuesday, the 17<sup>th</sup> day of January, 2012, at the hour of 10:00 A.m. **at the offices of the Utah Insurance Department, State Office Building (North of the State Capitol Building), Room 3112, Salt Lake City, Utah 84114**, to show cause, if any there be, why Respondent's insurance agent's license should not be immediately revoked for failure to obey an Order of the commissioner and the imposition of additional forfeitures for violation of that Order.

2. Failure to appear shall result in your default being taken and the entry of an order revoking your license and assessment of additional forfeitures.

DATED this \_\_\_\_\_ day of DEC 28 2011, 2011.

NEAL T. GOOCH  
INSURANCE COMMISSIONER



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MARK E. KLEINFELD, Esq.  
Administrative Law Judge  
Utah Insurance Department  
State Office Building, Room 3110  
Salt Lake City, UT 84114  
Telephone (801) 538-3800

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this proceeding should call the Utah Insurance Department at (801) 538-3800 at least three working days prior to the proceeding.

M. GALE LEMMON #4363 *ML*  
Assistant Attorney General  
MARK L. SHURTLEFF #4666  
Attorney General  
Attorneys for Utah Insurance Department  
State Office Building, Room 3110  
Salt Lake City, UT 84114  
Telephone (801) 366-0375

**BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF UTAH**

**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENT:**

MICHELLE EILEEN LOSEE  
988 MCCOURTNEY RD.  
GRASS VALLEY, CA 95673

License No. 228054

**NOTICE OF INFORMAL  
ADJUDICATIVE PROCEEDING  
AND ORDER**

**Failure to Respond**

DOCKET No. 2011-057 LC

Enf. Case No. 2847

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The Utah Insurance Department has commenced this informal adjudicative proceeding pursuant to Utah Code Annotated (U.C.A.) §§ 31A-2-202 and 63G-4-201 and Utah Administrative Code (U.A.C.) Rule R590-160. Based upon information contained in agency files or known to the Commissioner, the Commissioner makes the following:

**FINDINGS OF FACT**

1. Respondent is an agent authorized to do the business of insurance in the State of Utah holding License number 228054.

*Exhibit A*

2. The Respondent failed to properly respond to an initial inquiry of the Commissioner dated February 2, 2011.

3. The Respondent was required, by first class letter dated February 2, 2011, to the mailing address on record, to provide a substantive response to the Commissioner's initial inquiry on or before February 16, 2011.

4. The Respondent was required, by first class letter dated February 23, 2011, to the mailing address on record, to provide a substantive response to the Commissioner's initial inquiry on or before March 9, 2011.

5. On April 14, 2011, an attempt to reach the Respondent by phone, as listed in Department records, was unsuccessful.

6. As of April 19, 2011, no response from the Respondent has been received.

7. As of the date of this Notice of Informal Adjudicative Proceeding and Order, no response has been received and the time for response and any extensions granted has expired.

Having entered his Findings of Fact, the Commissioner now enters his:

#### **CONCLUSION OF LAW**

1. In failing to submit a timely response to an inquiry from the Commissioner, the Respondent violated U.C.A. Subsection 31A-2-202(4).

Based upon the foregoing Findings of Fact and Conclusions of Law, the Commissioner now enters the following:

## **ORDER**

### **IT IS HEREBY ORDERED:**

1. Respondent shall pay an administrative forfeiture in the amount of \$500.00. Said forfeiture shall be paid no later than ten (10) days after the date this Order becomes final.
2. Respondent shall provide a substantive response to the Commissioner's inquiries to be received in the offices of the Utah Insurance Department no later than ten (10) days after the date this Order becomes final.
3. This Order shall become final fifteen (15) days after the date of mailing unless a written request for a hearing is received from the Respondent in the offices of the department prior to that date. A written request for a hearing shall be signed by the person making the request and shall state the basis for the relief requested.

## **NOTIFICATION**

If you request a hearing regarding this matter, the department will be represented by M. Gale Lemmon, Assistant Attorney General, 160 E. 300 S., Fifth Floor, P.O. Box 140874, Salt Lake City, UT 84114-0874, Telephone Number (801) 366-0375. Failure to request a hearing will be considered a failure to exhaust administrative remedies and will preclude any further administrative or judicial review or appeal of this matter.

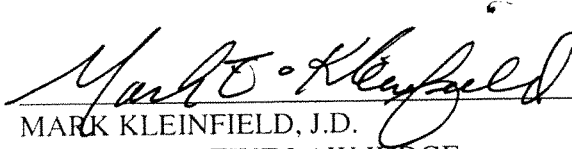
You are further notified that a failure to obey an Order of the commissioner may subject you to further penalties, including forfeitures of up to \$2,500.00 per violation and the suspension or revocation of your license of the filing of an action to enforce this Order in District Court which may impose forfeitures of up to \$10,000.00 per day for continued violation.

You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

Questions regarding this Adjudicative Proceeding should be directed to Bill Stimpson, 801-538-3078.

DATED THIS 19 day of April, 2011.

NEAL T. GOOCH  
INSURANCE COMMISSIONER

A handwritten signature in cursive script, reading "Mark E. Kleinfeld", is written over a horizontal line.

MARK KLEINFELD, J.D.  
ADMINISTRATIVE LAW JUDGE  
Utah Insurance Department  
State Office Building, Room 3110  
Salt Lake City, Utah 84114  
Telephone (801) 538-3800

CERTIFICATE OF MAILING

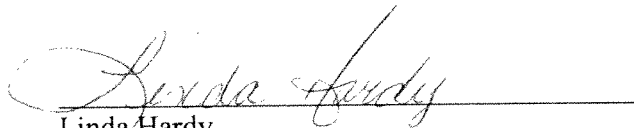
I do hereby certify that on this date I mailed, by regular mail, postage prepaid a true and correct copy of the attached:

NOTICE OF INFORMAL  
ADJUDICATIVE PROCEEDING  
AND ORDER

To the following:

Michelle Eileen Losee  
988 McCourtney Road  
Grass Valley, Ca 95673

DATED this 26<sup>th</sup> day of April, 2011

A handwritten signature in cursive script, appearing to read "Linda Hardy", is written over a horizontal line.

Linda Hardy  
Utah Department of Insurance  
State Office Building, Room 3110  
Salt Lake City, UT 84114-6901



## CERTIFICATE OF MAILING

I do hereby certify that on this date I mailed, by regular mail, postage prepaid a true and correct copy of the attached:

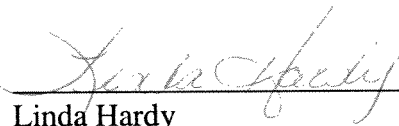
### MOTION AND ORDER ON ORDER TO SHOW CAUSE

### REVOCATION OF LICENSE

To the following:

Michelle Eileen Losee  
452 L Street  
Rio Linda, CA 95673-3437

DATED this 29<sup>Th</sup> day of December, 2011



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Linda Hardy  
Market Conduct  
Utah Department of Insurance  
State Office Building, Room 3110  
Salt Lake City, UT 84114-6901